

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 06-387(1)(PJS)

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **ORDER OF DETENTION**
)
GARY DEAN GROWDEN,)
)
Defendant,)

This matter came before the Court on October 9, 2013, for preliminary supervised-release violation hearing and upon the motion of the United States for an Order of Detention. The defendant was present and represented by his attorney Katherine Menendez. The United States was represented by Assistant United States Attorney John Docherty.

Defendant Gary Dean Growden is alleged to have violated the conditions of his supervised release. A preliminary hearing was held on October 9, 2013, at which time the Court concluded that probable cause exists to believe the defendant committed the violations alleged.

DISCUSSION

A defendant on supervised release bears the burden of establishing by clear and convincing evidence that the person will not flee *or* pose a danger to any other person or to the community. F.R.Crim.P. 32.1. Here, the defendant has a prior conviction for wire fraud, previously violated his conditions of release by committing further fraudulent

activity (though not amounting to a charged crime), was thereafter detained based on the economic danger he posed to the community, *see* docket no. 47 (Detention Order of Magistrate Franklin Noel), and was ultimately sent back to prison for 24 months based on the violation. The defendant now stands before the court on a further violation, of which the government offered credible evidence, specifically, that the defendant secretly attempted to solicit investors in a winery he purported to own among other business ventures. Based on the foregoing, this court concludes that the defendant continues to pose an economic danger to the community if released. Moreover, the defendant has failed to establish by clear and convincing evidence that he will not pose a danger to any other person or the community.

Accordingly, IT IS HEREBY ORDERED that:

1. The motion of the United States for detention of defendant is granted;
2. Defendant is committed to the custody of the Attorney General for confinement.
3. Defendant shall be afforded reasonable opportunity to consult privately with his lawyer; and
4. Upon Order of the Court or request by the United States Attorney, the person in charge of the corrections facility in which the defendant is confined shall deliver him to the United States Marshal for the purpose of appearance in connection with a court proceeding.

Dated: October 15, 2013

s/ Jeanne J. Graham
THE HONORABLE JEANNE J. GRAHAM
United States District Court Judge